

# Environmental Cooperation Agreement between Cook Composites and Polymers Co. and Wisconsin Department of Natural Resources

Public Comment Draft 2/22/2001

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## TABLES

- A. [Cook Composites and Polymers \(CCP\), Saukville 304 Railroad St.: Facility Permits, Approvals, Activities, Identification Numbers and DNR Program Contacts \(PDF, 49KB\)](#)
- B. [Cook Composites and Polymers' \(CCP\) Community Advisory Committee Participants \(PDF, 16KB\)](#)
- C. [Schedule for Agreement Implementation \(PDF, 62KB\)](#)

## ATTACHMENTS

- 1. Cook Composites [FACT Facility Information](#)
- 2. Commitment to Environmental Management System and Superior Environmental Performance
  - a. [Coatings Care™ \(exit DNR\)](#) (National Paint and Coatings Association)
  - b. [Composites Care™ Pollution Prevention and Waste Minimization Code of Practice \(PDF, 16KB\)](#) (Composite Fabricators Association)
  - c. [CCP Health, Safety and Environment Charter \(PDF, 10KB\)](#)
- 3. Pollution Limits
  - Corrective Action Plan Requirements and Approval [Page One \(PDF, 50KB\)](#)
  - a. August 22, 1994, [Plan Modification Approval to Impose State Equivalent Corrective Action \(PDF, 826KB\)](#)
  - b. April 21, 1995, [Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System \(PDF, 228KB\)](#)  
and
  - c. January 10, 1995 [Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Work plan \(PDF, 351KB\)](#)

For more information or to provide comments on DNR's Counterproposal for the CCP Environmental Cooperative Agreement contact: Lynn Persson, Wisconsin DNR Bureau of Cooperative Environmental

Assistance, Box 7021, Madison, WI 53707 email: [Lynn.Persson@dnr.state.wi.us](mailto:Lynn.Persson@dnr.state.wi.us) phone 608/267-3763 or fax 608/267-0560.

This Agreement is being entered into, pursuant to s. 299.80, Wis. Stats., and represents the conditions agreed upon by the Wisconsin Department of Natural Resources (DNR) and Cook Composites and Polymers, Co. (CCP), for the purpose of providing an alternative method for the regulation of environmental impacts from CCP.

FOR AND IN CONSIDERATION of the terms and conditions contained in this agreement, DNR and CCP set forth the following:

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## **I. FACILITY INFORMATION:**

Facility Name: Cook Composites and Polymers Co. (CCP)  
Facility Location: 340 Rail Road Street, Saukville, Wisconsin  
Local Contact/Info: Michael Lotman, Plant Manager

Phone: (262) 284-0555  
Fax: (262) 284-0593  
Mailing Address: 340 Rail Road Street, Saukville, Wisconsin 53080

Corporate Contact: Michael Gromacki

Email: [Gromacki@CCPonline.com](mailto:Gromacki@CCPonline.com)  
Phone: (816) 391-6011  
Fax: (816) 391-6093  
Mailing Address: P.O. Box 419389  
820 East 14th Avenue, North Kansas City, MO 64116  
Corporate Web Page: <http://www.CCPonline.com/> (exit DNR)

## **Project Summary**

This Environmental Cooperative Agreement provides the structural framework for CCP and Wisconsin Department of Natural Resources (DNR) to reprioritize and focus their resources to evaluate the feasibility and desirability of a waste minimization project to eliminate generation of five million pounds of a characteristic hazardous waste and the need for a hazardous waste incinerator. Specifically CCP commits to cease burning hazardous waste in its incinerator by September 30, 2001. The agreement provides a clear timeline and regulatory path for CCP to implement their waste minimization project and make the transition from a facility that burns hazardous wastes to a facility that does not. As part of this agreement CCP also commits to establish an Environmental Management System, to establish a community advisory committee and to conduct ongoing dialogue with the community on environmental issues, to pursue other pollution prevention projects and to take a leadership role in product environmental stewardship.

## **Facility and Project Background Information**

The CCP Saukville facility manufactures polyester and alkyd resins used in a variety of applications including the coatings, sanitary, automotive and marine industries (SIC 2821). The facility, located approximately 25 miles north of Milwaukee, began resin production in 1949 and employs approximately 75 full-time staff in Wisconsin. CCP acquired the Saukville facility and other assets on December 31, 1990 from Freeman Chemical

Corporation. CCP is a joint venture company with TOTALFINA ELF, a French oil, gas, refining, and chemical company and Curran Composites of Kansas City, MO, and operates in the ATOFINA chemical branch.

The CCP Saukville facility's current production capacity is approximately 52 million pounds of resin per year, produced in more than 3000 batches. Wastes generated at the facility are primarily reaction water, spent solvents, filter cleaning residues, and miscellaneous off-spec materials. The facility currently disposes of two of the waste streams (reaction water and solvents) in an onsite Resource Conservation and Recovery Act (RCRA) licensed hazardous waste incinerator

In 1998, the CCP Saukville facility generated approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester and alkyd resins. The reaction waste water stream is considered characteristically hazardous for ignitability (DOO1) based on the presence of low concentrations (<2%) of volatile organic chemicals that at times result in a flash point below 140 degrees F. The waste is occasionally characteristically hazardous for corrosivity (DOO2) due to low (<2 units) pH. Appendix 1 provides information on air emissions from and waste managed by CCP's whole facility.

In addition, in 1998 the CCP Saukville facility generated approximately 1.7 million pounds of spent solvent (F003) that was used as a supplemental fuel in the incinerator. Since the solvent has been used as supplemental fuel to incinerate reaction water, the option of recycling of the solvent was historically not considered economically beneficial.

CCP recognized the economic, environmental, and community relations benefits associated with moving to waste minimization and pollution prevention approaches for management of its hazardous wastes and other waste streams associated with the reaction water. The challenge was to synchronize CCP's technical and business evaluation of waste minimization and pollution prevention options with the regulatory requirements and regulatory review of Wisconsin DNR and U.S. EPA staff from many different environmental programs. Among these requirements were:

- re-issuance of CCP's Hazardous Waste Treatment and Storage license:
- future requirements the Federal Clean Air Act's "NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors Final Rule" which had yet to be published
- wastewater pretreatment requirements under the Clean Water Act also potentially applied to any wastewater discharges from the facility.

In March 1999, CCP submitted a letter of intent to Wisconsin DNR, indicating their interest in an Environmental Cooperative Agreement to help facilitate their waste minimization project. In May 1999 DNR accepted CCP into the program.

In May 1999, CCP revised and updated the incinerator's Hazardous Waste Facility Feasibility and Plan of Operation Report (FPOR) according to the schedule in the DNR call-in letter. CCP did not request waste stream changes in the updated Feasibility and Plan of Operation Report. At the same time, CCP began evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States.

In August 1999, CCP submitted their initial Environmental Cooperative Agreement proposal to DNR Secretary George Meyer. At the same time, CCP commissioned a pollution prevention study specifically focused on recovery of process chemicals from the reaction water. The purpose of the study was to evaluate options for reducing waste generated by eliminating the hazardous characteristic, and make beneficial use of recovered materials, previously wasted via the reaction water incineration. The study focused on a new, Macro Porous Polymer – Extraction (MPPE) technology developed by Akzo Nobel Inc.

The study was completed in December 1999. It focused on identifying and evaluating demonstrated and potentially applicable technologies for recovering organic process constituents from the reaction water and achieving zero (wastewater) discharge, if feasible. Subsequent pilot level studies of the MPPE technology were conducted at the CCP Chatham, Virginia plant and the CCP Kansas City, Missouri plant. The MPPE was demonstrated to be effective with essentially complete removal (99.9%) of nonpolar volatile and semi-volatile compounds such as xylene at the Chatham plant. Similar results were demonstrated at CCP's Kansas City plant.

As indicated by this agreement CCP is committed to use the MPPE technology to cease the burning of hazardous waste in its incinerator by September 30, 2001. This is one year before it would be otherwise required to do so since a United States Court of Appeals, District of Columbia, July 25, 2000 decision vacated the early cessation requirements of 40 CRF Part 60, et al. "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste" Combustors.

As part of this agreement CCP also commits to establishing an Environmental Management System, pursuing other pollution prevention projects and taking a leading role in product environmental stewardship.

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## **II. DEFINITIONS. The following definitions are applicable to this agreement:**

1. "Approval" means a permit, license or other approval issued by the Department under chs. 280 to 295, Wis. Stats.
2. "Cooperative agreement" means an agreement entered into under section 299.80(6), Wis. Stats.
3. "Environmental management system" means an organized set of procedures implemented by the owner or operator of a facility to evaluate the environmental performance of the facility and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in the facility's operations.
4. "Environmental performance" means the effects whether regulated under chs. 280 to 295, Wis. Stats., or unregulated, of a facility on air, water, land, natural resources and human health.
5. "Facility" means all buildings equipment and structures located on a single parcel or on adjacent parcels that are owned or operated by the same person.
6. "Interested person" means a person who is or may be affected by the activities at a facility that is covered or proposed to be covered by a cooperative agreement or a representative of such a person.
7. "Performance evaluation" means a systematic, documented and objective review conducted by or on behalf of the owner or operator of the facility including an evaluation of compliance with the cooperative agreement covering the facility, approvals that are not replaced by the cooperative agreement and the provision of chs. 280 to 295, Wis. Stats., and rules promulgated under those chapters for which a variance is not granted.
8. "Pollutant" means any of the following: any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal, or agricultural waste discharged into water or onto land. Any dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substance or any combination of those things emitted into the air but not uncombined water vapor.
9. "Violation" means a violation of a cooperative agreement, of an approval that is not replaced by the cooperative agreement or of a provision of chs. 280 to 295, Wis. Stats., and rules promulgated under those chapters for which a participant has not received a variance.

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## **III. PERIOD OF AGREEMENT.**

This agreement begins on the date when it has been signed by both parties and continues for 5 years from that date, during which period CCP and DNR shall abide by all terms and conditions contained herein. This agreement may be renewed for up to five years upon mutual agreement of the parties, pursuant to s. 299.80(6e), Wis. Stats.

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#### **IV. AMENDMENT/REVOCATION.**

Pursuant to s. 299.80(7), Wis. Stats., DNR may amend this agreement with the consent of CCP, or for cause. DNR may revoke this agreement at the request of CCP or if CCP is in substantial noncompliance, refuses to amend this agreement, is unable or unwilling to meet commitments to superior environmental performance or has not addressed a substantive issue raised by a majority of the interested persons. (s. 299.80 (7), Wis. Stats.). The DNR shall provide at least 30 days for public comment on the proposed amendment or revocation of this cooperative agreement and an opportunity for a hearing if comments demonstrate considerable public interest in the proposed action.

In the event that this agreement is revoked, the s. 299.80(7) Wis. Stats revocation decision is anticipated to include:

- CCP shall submit a new trial burn plan within 1 month of revocation of this agreement and conduct the required testing within 3 months of the approval of the trial burn plan by DNR.
  - DNR shall immediately re-prioritize review of CCP's May 1999 TSD license re-issuance application. As allowed under s. 227.51(2), Wis. Stats., the CCP Saukville facility may continue to operate subject to compliance with the terms and conditions of their pre-existing licenses and plan of operation approvals until such time as final determinations on the Feasibility and Plan of Operation Reports (FPORs) are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. All other terms and conditions of the pre-existing licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed.
  - Other interim requirements upon revocation consistent with s. 299.80 and chs. 280 to 295, Wis. Stats.
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#### **V. ENTIRE AGREEMENT.**

This agreement, together with any specifications, referenced parts, attachments and effective amendments, shall constitute the entire agreement. Communications or understandings made prior to the signing of this agreement and pertaining to its subject matter are hereby superseded. All revisions to this agreement must be made by a written amendment to this agreement, signed by both parties and issued under the same procedures as this agreement.

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#### **VI. APPROVALS COVERED.**

[Table A \(PDF, 49KB\)](#) lists by number the DNR permits and approvals (that DNR is aware of) for CCP's Saukville Facility located at 340 Rail Road Street. The table indicates how these permits and approvals are impacted by this agreement. Table A also summarizes other environmental activities and identification numbers, and lists CCP and DNR program contacts for CCP's Saukville Facility. Nothing in this agreement shall relieve CCP of the obligation to comply with applicable local, state and federal laws and requirements or

the terms and conditions of any license, permit or other approval, except as expressly provided in this agreement.

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## **VII. INTERESTED PERSONS GROUP (COMMUNITY ADVISORY COMMITTEE AND OUTREACH).**

At the beginning of this project CCP utilized its existing community relations activities to meet with the public, obtain public opinion feedback on its overall environmental performance, and share information about its proposed Environmental Cooperative Agreement and waste minimization project. Existing community relations include routine presentations to the Village of Saukville Board, annual open house for the Village Board at the Saukville facility, and periodic hosted luncheon meetings of the Saukville Chamber of Commerce.

Many of the CCP Saukville employees are represented by a labor union such as the United Auto Workers. All employees of CCP are obvious stakeholders in CCP's environmental and business strategies. As such, CCP management and hourly union employees will participate in the planning and implementation of this program.

Some of the activities that CCP undertook specifically for the development of this agreement are listed below.

- On June 7, 2000 CCP held an open house with the Saukville Village Board and provided a briefing on the proposed waste minimization project and Environmental Cooperative Agreement.
- In June 2000, CCP hired a facilitator to develop an outreach program and community stakeholder group (e.g. interested persons group) to support this environmental cooperative agreement project and the development of CCP's environmental management system (EMS).
- July 31, 2000 CCP held a public meeting on its Environmental Cooperative Agreement and its intent to comply with Clean Air Act MACT requirements through closure of its hazardous waste incinerator.
- CCP sent questionnaires to neighbors and selected community members to determine their environmental concerns, the way(s) they would like to interact with CCP and if they want to be a "stakeholder" and summarized the results.
- CCP invited people to participate in the CCP Advisory Committee.
- On January 11, 2001 CCP held its first meeting of the CCP Advisory Committee.

### **Public Participation and Trust Objectives of Wisconsin's Environmental Cooperative Agreement Program (Section 299.80 Wisconsin Statutes)**

Encourage public participation, and consensus among interested persons, in the development of innovative environmental regulatory methods and in monitoring the environmental performance of projects

Seek to improve the provision of useful information to the public about the environmental and human health impacts of facilities on communities.

Provide public access to information about performance evaluations conducted by participants in the program under this section.

Encourage facility owners and operators and communities to work together to reduce pollution to levels below the levels required under chs. 280 to 295.

Seek to increase trust among government, facility owners and operators and the public through open communication and support of early and credible resolution of conflicts over

Recognizing the public participation and trust objectives of s. 299.80 Wis. Stats., (see box, above), CCP commits to provide an ongoing opportunity for community information exchange and dialogue, to the extent possible, relating to all aspects of CCP environmental activities during the period of this agreement. These environmental activities include but are not limited to:

- The implementation of this environmental cooperative agreement;
- RCRA closure activities related to it Hazardous Waste Incinerator;
- Other waste minimization and pollution prevention activities;
- The development and implementation of CCP's Environmental Management System (EMS);
- Ongoing cleanup activities initiated as part of Correction Action in 1994;
- Environmental concerns of CCP, it's neighbors, the local community and DNR; and
- Overall environmental performance of CCP.

A. Interested Persons Group ----

1. As part its commitment CCP will establish an ongoing Community Advisory Committee attempting to involve all relevant constituencies within the community including but not limited to:
  - Neighbors,
  - CCP Employees,
  - Area businesses,
  - Local elected and appointed officials,
  - DNR staff,
  - Local Emergency Planning Committee,
  - Public Works Department,
  - Fire Department,
  - Citizen groups,
  - Neighborhood associations,
  - Others in the greater Saukville area who may be affected by or interested in the CCP facility and its activities.
2. The CCP Community Advisory Committee will meet quarterly at CCP, unless otherwise agreed upon by the committee. Meetings will be open to the public, who will be able to provide input at a set time on each agenda.
3. CCP will maintain an up-to-date list of the individuals participating on the Community Advisory Committee ([Table B](#)) and description of committee's purpose and mechanisms for communication. At a minimum CCP will provide an up-to-date committee membership list and other information including agendas and meeting summaries to members of the advisory committee, the DNR, and the Saukville Public Library.

B. Community Environmental Outreach --- CCP commits to provide additional opportunities for information exchange and dialogue with the community through implementation of its outreach plan including:

1. Develop a newsletter that can be used to regularly communicate with the advisory committee, and all residences and businesses in Saukville and others who indicate an interest in CCP and its environmental performance.
2. Develop a chemical fact sheet for the local community and neighbors
3. Provide publicized opportunities for plant tours for the general public and groups throughout the year.
4. Repeat the Community Survey annually to gauge how public perception of CCP's environmental performance changes.



5. Provide access to information relevant to CCP's Cooperative Environmental Agreement, environmental performance, the advisory committee at the Saukville public library and consider providing similar information on a web site.
6. Provide information to the local media and encourage them to regularly provide information to the community about CCP process changes and environmental activities.
7. CCP will provide additional opportunities for community information exchange and dialogue as appropriate.

#### C. Evaluation

1. CCP will annually review the outreach plan with its Advisory Committee and adjust the program as necessary, providing a summary of changes as part of its annual performance evaluation.
2. CCP will report on its Community Advisory Committee and Outreach Activities as part of its annual performance evaluation (reference Section XII ).

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## VIII. COMMITMENT TO ENVIRONMENTAL MANAGEMENT SYSTEM.

Within one year of the signing of this agreement, CCP shall implement an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or that has equivalent components.

Specifically CCP is developing environmental management system (EMS) programs in the context of the industry initiatives of [Coatings Care \(National Paint and Coatings Association, reference Attachment 2a\) \(exit DNR\)](#) and [Composites Care \(Composite Fabricators Association, reference Attachment 2b\) \(PDF, 10KB\)](#). CCP shall also use the Prosper<sup>TM</sup> auditing system, developed by the international quality and environmental and safety management systems company Det Norske Veritas (DNV), to document that it has implemented an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or has equivalent components. DNV is an internationally recognized registrar for ISO 9000 and ISO 14000 standards. The Prosper<sup>TM</sup> system integrates Quality, Safety and Environment (QSE) programs into a consistent and objective auditing framework. CCP Saukville is currently ISO 9002 certified.

Data to help evaluate the impacts of implementing the environmental management system shall be collected pursuant to the data protocols developed by the University of North Carolina.

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## IX. COMMITMENT TO SUPERIOR ENVIRONMENTAL PERFORMANCE.

CCP as a member company of ATOFINA, the chemical branch of TOTALFINA ELF, has an established Health, Safety and Environment Charter ([Attachment 2c \(PDF, 10KB\)](#)).

### Goals for CCP Saukville Facility

As part of CCP's commitment to Superior Environmental Performance CCP commits to going beyond what would otherwise be required in environmental regulations by setting the following goals for its Saukville facility:



- A. Through waste minimization and pollution prevention eliminate or significantly reduce the waste streams that are currently burned in its hazardous waste incinerator without transferring them to another environmental media.
- B. Establish a long-term reduction in the amount of wastes generated and contaminants and pollutants released giving priority to those pollutants, contaminants and wastes of highest health and environmental concern
- C. Through implementation of CCP's Environmental Management System continuously improve its practices to minimize environmental impacts and conserve natural resources and to work cooperatively with its neighbors, the local community and others in these efforts .
- D. Take leadership in product stewardship, integrating health, safety and environmental considerations into the design, development and improvement of products, including a commitment to conserve, where possible, natural resources and energy. In partnership with its customers strive to encourage continued environmental stewardship in the use and ultimate disposal of its products.

### **Objectives and Actions that CCP is committing to:**

As part of their efforts to attain these goals, CCP and DNR commit to the following objectives as well as the activities and timeline established in [Table B](#). CCP shall comply with these objectives and actions as part of this Environmental Cooperative Agreement

### **Objectives for Goal A**

**IX.A.1** CCP shall cease burning hazardous waste in its Saukville facility by September 30, 2001. This is one year before it would otherwise be required to do so since a United States Court of Appeals, District of Columbia, July 25, 2000 decision vacated the early cessation requirements of 40 CFR Part 60, et al., "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste" Combustors.

**IX.A.2** CCP shall evaluate and bench or pilot test waste minimization/pollution prevention technologies that appear to have merit for the waste streams burned in its hazardous waste incinerator with the goal of eliminating or significantly reducing these wastes. These waste streams include, but are not limited to:

- o Reaction Water ---Approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester and alkyd resins. This wastewater may be a characteristic hazardous waste due to the presence of ignitable material (D001) or corrosive material (D002).
- o Waste Solvents ---Approximately 1.7 million pounds/year of waste rinse solvents (spent non-halogenated solvents, F003) generated by cleaning process equipment and as an azeotrope solvent process waste from the manufacture of resins (including xylene, toluene, acetone, mineral spirits and other solvents and hydrocarbons).
- o Glycol --- Approximately 400 to 800 lbs/day of glycol are included as part of the reaction water. These glycols are not a hazardous waste but have a high chemical oxygen demand (50,000 to 100,000 ppm COD) if discharged to a wastewater treatment plant.

**IX.A.3** CCP shall prepare feasibility studies that report on the results of these evaluation and bench/pilot tests (A.2 above) and share the results with DNR and interested persons group. The following reports shall be submitted to DNR based on the schedule outlined in [Table C \(PDF, 62KB\)](#)..:

- a. Feasibility study for waste minimization of reaction water.
- b. Feasibility study for waste minimization of waste glycol.
- c. Feasibility study for waste minimization of waste solvents.

**IX.A.4** Following the schedule outlined in [Table C \(PDF, 62KB\)](#), CCP shall submit a Conceptual Project Design, as a basis for determining which permits and other authorization shall be required from DNR to implement and construct the waste minimization/pollution prevention. The Conceptual Project Design should include the following information:

- a. Waste Minimization/Pollution Prevention ---- A description of the waste minimization/pollution prevention projects that CCP shall undertake to eliminate or significantly reduce the hazardous wastes currently burned in its Hazardous Waste Incinerator. This description shall include a mass balance summary of the chemicals and wastes that are burned by the incinerator and their final environmental fate before, and after, the proposed waste minimization projects are completed. If possible, projected energy use before and after the project shall also be included.
- b. Wastewater Pretreatment ---- CCP shall identify whether it will discharge wastewater that remains after the hazardous waste stream has been eliminated to a zero discharge wastewater pretreatment unit or the Saukville POTW.
- c. Air Emissions ---- A description of the proposed changes and how they will impact air emissions
- d. Air MACT ---- Notice of Intent to Comply (NIC) for Hazardous Waste Combustion MACT
- e. Interested Persons Group ---- A description of the interested persons group and process that CCP has established per s. 299.80 (3)(L) to (o) and (5)(b), Wis. Stats.

**IX.A.5** Following the schedule outlined in [Table C \(PDF, 62KB\)](#), CCP shall submit the following information and request permits and other authorization from the DNR to implement and construction the waste minimization/pollution prevention projects in a manner that provides opportunity for concurrent project review by the DNR's air, waste and water programs. These items include:

- a. Revised RCRA Closure Plan --- CCP shall submit a revised RCRA Closure Plan (ss. NR 685.05, 640.16, 645.17 and 665.10, Wis. Adm. Code) and any other needed modifications in CCP's Feasibility and Plan of Operation Report (s. NR 680.06 10, Wis. Adm. Code) . The plan may include a phased closure process.
- b. Air Construction Permit Information.
  1. **Exemption Request Letter** --- CCP shall submit a letter to the DNR requesting an exemption from an Air Construction Permit based on the criteria for minor modifications contained in chs. NR 406 and NR 408, Wis. Adm. Code. In the letter CCP will define the option that it will follow (Option 1: neutralization, MPPE, non-hazardous wastewater evaporation, a brief description of the project and state the reasons why CCP believes the project is exempt from an air construction permit. Under ch. NR 408, Wis. Adm. Code, if the sum of the increases and decreases in VOCs over the last 5 years (including the current project) is less than 25 tons, then the project is a minor modification. CCP should also document that the emissions from the project will not trip any of the exemption levels (VOCs, CO, NOx, PM, etc.) in ch. NR 406, Wis. Adm. Code. If none of the levels are tripped, then the project is an exempt modification and no construction permit is required. The letter should contain an analysis showing the emission rates of various pollutants before and after the project is completed, including the emissions from the increased use of natural gas resulting from the elimination of waste solvent combustion and any changes in emissions associated with the recovery and reuse of solvents.
  2. **Title V Permit Application** --- If the project is exempt from an Air Construction Permit, CCP shall update the Title V application that was submitted for the facility in 1994.
  3. **Construction Permit Application** --- If CCP prefers, or the project is determined not to be exempt, CCP shall submit an application for an air construction permit and initial

permit review fee of \$1,350 with the submittal (s. NR 410.03(1)(d), Wis. Adm. Code) to expedite the review process.

- c. Pretreatment Wastewater Baseline Monitoring and Plan and Specs --- To fulfill the requirements of the Pretreatment regulations (chs. NR 108, 211 and 235, Wis. Adm. Code), CCP shall submit the following information to be reviewed and approved by the DNR based on the schedule contained in [Table C \(PDF, 62KB\)](#).
  1. **Baseline Monitoring Report (BMR)** – As required by s. NR 211.15, Wis. Adm. Code, CCP shall submit a BMR to the DNR at least 90 days before the commencement of discharge. The BMR should clearly indicate which option that CCP has chosen (Option 1: neutralization, MPPE, non-hazardous wastewater evaporation) and should contain the proper certification statement and signatures.
  2. **Plans and Specifications for a zero discharge system (PSZDS)** – In accordance with s. 281.41, Wis. Stats., and ch. NR 108, Wis. Adm. Code, CCP shall submit plans for wastewater pretreatment systems that must be reviewed and approved by the DNR prior to the construction of the proposed pretreatment system.

**IX.A.6** If the waste minimization and pollution prevention technologies evaluated are not feasible, CCP shall proceed with the Hazardous Waste TSD license re-issuance path according to ch. NR 680, Wis. Adm. Code, submitting a new trial burn plan within one month and conduct the required testing within 3 months of trial burn plan approval by DNR.

### **Objectives for Goal B**

**IX.B.1** CCP shall develop a pollution prevention plan for its entire facility with specific measurable objectives following the schedule in Table C. As part of the plan, CCP will establish reduction goals, giving priority to those pollutants, contaminants and wastes of highest health and environmental concern. CCP shall seek input from its Community Advisory Group in developing these goals and share an annual pollution prevention progress report with its Community Advisory Group. CCP may decide to develop the pollution prevention plan as part of its ongoing EMS process.

**IX.B.2** CCP shall explore opportunities for Pollution Prevention with DNR during the review and issuance of the Air Operating Permit for its entire facility.

### **Objectives for Goal C**

Objectives for Goal C will be achieved through its Interested Persons Group (reference Section VII) and Commitment to Environmental Management System (reference Section VIII).

### **Objectives for Goal D**

**IX.D.1** As part of developing its Environmental Management System, CCP shall identify the environmental aspects of its products and develop objectives and targets to make health, safety and environmental considerations a priority in planning for all existing and new products and processes.

**IX.D.2** CCP will strive to provide customers with product options and information that they can use to choose high-quality, environmentally preferable products that meet their needs.

**IX.D.3.** CCP will work in partnership with its customers to provide excellent health, safety and environmental information and encourage continued environmental stewardship in the use and ultimate disposal of its products

**IX.D.4** CCP will develop an ongoing program for promotion and support of waste and release reduction by others, which may, for example, include sharing of technical information and experience with customers and suppliers, and support of efforts to develop improved waste and release reduction techniques

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## **X. POLLUTION LIMITS**

**X.1** As part of this agreement, CCP shall continue to implement corrective action measures and monitoring agreed to as part of the August 22, 1994, Plan Modification Approval to Impose State Equivalent Corrective Action; the April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System; and the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Workplan. ([Attachment 3 \(PDF,. 826\)](#))

**X.2** DNR has received copies of Feasibility and Plan of Operation Reports (FPORs) for CCP's Hazardous Waste Facility Operation Licenses:

- a. HW Storage -Tank Non-Commercial (EPA ID No: WID980615439, License No: 03202)
- b. HW Treatment - Incinerator Non-commercial (EPA ID No: WID980615439, License No: 03203)

The effective periods for these storage and treatment facility licenses and plan approvals expired May 31, 1999. DNR acknowledges that CCP's submittals for this facility appears to contain the elements specified under s. NR 680.45(6), Wis. Adm. Code, and, as allowed under s. 227.51(2), Wis. Stats., the CCP Saukville facility above may continue to operate subject to compliance with the terms and conditions of their existing licenses and plan of operation approvals until such time as final determinations on the FPORs are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. As part of this agreement all other terms and conditions of the current licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed.

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## **XI. OPERATIONAL FLEXIBILITY AND VARIANCES.**

CCP has reached the end of its current hazardous waste incinerator permit. In 1999, CCP prepared and submitted to the DNR a detailed application for re-issuance of its incinerator operating license. CCP faced the decision to either continue the traditional operation of its RCRA-permitted incinerator, or to pursue waste minimization and pollution prevention strategies for the future.

CCP recognizes the economic, environmental, and community relations benefits associated with moving to a waste minimization and pollution prevention approach. The challenge is to identify a reasonable path to accomplish this goal, while protecting the commercial interests and profitability of CCP's business in a highly competitive marketplace.

### **Current Regulatory Barriers to Waste Minimization and Pollution Prevention**

CCP is evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States. The technical challenges of the available strategies appear to be more easily resolved than the administrative barriers expected with implementing new technology in a traditional regulatory structure.

A chemical production facility that operates an on-site hazardous waste incinerator faces particular challenges to technology change. The transition from the current incineration technology to a waste minimization and pollution prevention technology cannot be effectively planned and scheduled by CCP in a complicated regulatory process. For example, a transition from incineration to a pollution prevention technology may include RCRA closure, RCRA corrective action agreement modification, air pollution permit modifications, and wastewater indirect-discharge permit modifications.

In addition, the RCRA-permitted incinerator regulatory process also involves federal oversight by Region 5 of the US EPA. Unless project communication is well defined in the planning phase, the multiple-agency review may add further uncertainty to the scope and schedule of a project.

### **Wisconsin Department of Natural Resources Commitments based on this Agreement:**

This Environmental Cooperative Agreement provides the structural framework for CCP and the DNR to reprioritize and focus their resources and gives both the opportunity to evaluate the feasibility and desirability of a pollution prevention project to eliminate generation of five million pounds of a characteristic hazardous waste and the need for a hazardous waste incinerator

No variances to existing regulations are anticipated to complete the project in this agreement. However, CCP shall rely upon the operational flexibility and commitment to deadlines by DNR and US EPA to make this proposed project possible. In order to achieve this objective DNR agrees to:

### **Objective for Goal A**

**XI.A.1** Provide initial feedback and facilitate EPA feedback on the feasibility study and identify what information, permits and approvals shall be needed for the project to proceed based on the schedule outlined in [Table C \(PDF, 62KB\)](#).

**XI.A.2** Commit to the activities and schedule listed in [Table C \(PDF, 62KB\)](#) to help CCP evaluate the technical, economic and environmental feasibility and desirability of eliminating or significantly reducing the waste streams burned in its hazardous waste incinerator using waste minimization and pollution prevention technologies.

- a. In the event that CCP submits a revised RCRA Closure Plan and other modifications in Operational Plan, DNR shall review them and take appropriate actions in the time period specified in [Table C \(PDF, 62KB\)](#).
- b. In the event that CCP submits an Industrial Wastewater Pretreatment or a "zero-discharge" pretreatment authorization to complete the project, DNR shall review and take appropriate action in the time period specified in [Table B](#). CCP is responsible for obtaining all required local authorizations from the Saukville POTW and the Village of Saukville.
- c. In the event that CCP requires a construction permit, modification to its Title V application under review, or modification to the RACT measures implemented at the site under State or Federal air regulations to make changes necessary to eliminate its hazardous waste stream and hazardous waste incinerator, DNR shall review and take appropriate action on the project in the time period specified in [Table C \(PDF, 62KB\)](#).

**XI.A.3** Since CCP did not request waste stream changes in its Feasibility and Plan of Operation Report for its Hazardous Waste License re-issuance and CCP has committed to cease the burning of hazardous waste in its Saukville facility by September 30, 2001, CCP shall not be required to conduct additional Hazardous Waste Stack testing under ch. NR 665, Wis. Adm. Code, unless the project is determined not to be feasible (XIA.4).



**XI A.4** If the waste minimization and pollution prevention technologies evaluated are not feasible or the September 30, 2001 deadline is not met, DNR shall proceed with the Hazardous Waste TSD license re-issuance path according to ch. NR 680, Wis. Adm. Code, including requiring CCP to submit a new trial burn plan within one month of notification and complete required testing within 3 months of approval of the trial burn plan by DNR.

**XI C.1** DNR shall continue to work with CCP to explore opportunities for pollution prevention during issuance air operating and other environmental permits.

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## **XII. BASELINE, PERIODIC PERFORMANCE EVALUATIONS AND MEASUREMENT**

Within 180 days of the start of this Agreement, CCP shall perform and submit to the DNR a baseline performance evaluation covering their environmental performance.

- A. As part of the 180-day baseline evaluation CCP shall prepare a case study including information on environmental performance and costs prior to implementing the waste minimization/pollution project for the wastes burned in the hazardous waste incinerator before and projected after closure of the hazardous waste incinerator.
- B. As part of the performance evaluation done in the year after closure of the incinerator, CCP shall update the case study to reflect the environmental performance and costs/savings that were experienced as a result of the project. As appropriate, CCP shall also report in the case study on their progress in achieving other goals of the Environmental Cooperative Agreements Pilot Program (s. 299.80, Wis. Stats.).
- C. CCP shall annually repeat the performance evaluation on the anniversary date of the baseline submittal or on another date mutually agreed to by DNR and CCP. CCP shall provide an annual written performance report to DNR, the interested persons group, and the Saukville Public Library that includes the following information:
  1. Regarding the Public Participation & Trust (CCP Community Advisory Committee and Outreach) provide:
    - Documentation of a viable CCP Advisory Committee that provides input and an ongoing dialogue between CCP and the community on the company's EMS and environmental issues of concern to the community and CCP.
    - Results (environment, economic, other...) of any action or changes in response to input and feedback from the CCP Advisory Committee and Community Outreach;
    - Changes in public view of CCP environmental performance and current issues indicated by periodic community surveys;
  2. Regarding Commitments to Superior Environmental Performance (Protection of the Environment and Pollution Prevention)
    - Documented elimination or significant reduction in the waste streams that are currently burned in its hazardous waste incinerator without transferring them to another environmental media.
      - Results of CCP's ongoing monitoring to ensure that no hazardous wastes are burned in at its facility.
      - Documentation of the recovery efficiency of the Macro Porous Polymer – Extraction (MPPE) technology unit, and the management and use of the material that is recovered.

- Results of the waste solvent pollution prevention feasibility study and any resulting implementation projects.
  - Results of the glycol waste-water pollution prevention and energy conservation feasibility study and any resulting implementation projects.
- Long-term changes in the amount and toxicity of waste generated, contaminants and pollutants released and energy use as evidenced by:
  - TRI Reporting;
  - Hazardous Waste annual reporting;
  - Air emissions reporting;
  - POTW discharge monitoring;
  - Energy usage; and
  - Other parameters as appropriate (may be identified in development of EMS or during DNR's review of CCP's air operating permit or zero discharge facility)
  - Qualitative indicators that may be easily understandable to the public in lay terms
- Progress on development and implementation of a facility-wide pollution prevention plan including:
  - Development of environmentally preferable products;
  - Adoption of other pollution prevention (P2) assessment findings.
- Results of Product Stewardship and environmental support to customers
- Progress in continuing to implement corrective action measures agreed to as part of the August 22, 1994, Plan Modification Approval to Impose State Equivalent Corrective Action; the April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System; and the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Workplan.
- Any violations found during the baseline and annual performance reviews conducted of the plant, including correction actions undertaken and timelines for completion.
- Progress on development and implementation of a robust Environmental Management System including, but not limited to:
  - Implementation of environmental information management system.
  - Non-regulatory environmental aspects that are addressed;
  - Documentation of changes in citizen environmental complaints and satisfaction of complainant that concern has been addressed..
  - Documentation of changes in the status of CCP's environmental compliance.

3. Regarding Flexibility and Cost Savings assess:

- Costs and cost savings/payback times/return on investment associated with pollution prevention and energy conservation projects.
- Costs of implementation and maintenance of an EMS and paybacks.
- Success of the project in reducing the time and money spent by the participant and DNR on paperwork and other administrative activities that do not directly benefit the environment.
- New products and production processes and how they were impacted/influenced by CCP's EMS, pollution prevention projects and environmental regulatory programs.

4. Regarding Overall Success of the Agreement summarize:

- The results of measuring the opinions of its employees and the public concerning its participation in the Environmental Cooperative Agreement Pilot Program created under s. 288.90, Wis. Stats. (including EMS and associated pollution prevention projects).
  - Public recognition/awards resulting from the efforts of the Cooperative Agreement and EMS.
  - The annual achievements, difficulties or other challenges associated with fulfilling the agreement.
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### **XIII. REPORTING OF VIOLATIONS.**

Any violations discovered as part of the baseline or annual environmental performance evaluation shall be disclosed to DNR within 45 days of the completion of the evaluation. DNR shall not take any civil enforcement action to collect forfeitures for any such reported violations if they are corrected within 90 days of notification. This does not exempt CCP from the requirements for immediate notification contained in s. 292.11, Wis. Stats., or any other provisions of law, nor does it preclude DNR from taking action if it determines that the violations present an imminent threat to public health or the environment or may cause serious harm to public health or the environment, or if DNR discovers the violations before CCP's disclosure.

If a longer period of time is needed to correct the violations, a compliance schedule can be negotiated and this Agreement modified allowing a compliance schedule of up to 12 months.

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### **XIV. APPLICABLE LAW.**

The laws of the State of Wisconsin shall govern this Agreement. Except as provided herein, CCP shall at all times comply with all Federal, State and Local laws, ordinances and regulations in effect during the period of this agreement.

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### **XV. ADDRESSES.**

All correspondence and communication shall be directed to the appropriate contact person listed below. Changes in the information listed below shall be forwarded to the other party when effective and shall become part of this agreement without a formal amendment.

Bureau Director  
Bureau of Cooperative Environmental Assistance  
Wisconsin Department of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921

IN WITNESS WHEREOF, the parties by their signatures shall cause this agreement to be executed on the date aforementioned.

Signed for and on behalf of:

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

Date: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

Signed for and on behalf of:

COOK COMPOSITES AND POLYMERS CO.

Date: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_